IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

Single Bench

SECOND APPEAL NO. 185 /2006.

APPELLANT
DEFENDANT

DENA BANK
Through : Branch Manager
Charama Distt.North Baster
Kanker (C.G.).

VERSUS

RESPONDENT
PLAINTIFF

Sardar Harbans Singh son of
Chaitsingh Chhabra
resident of village
Charama District
North Baster Kanker (C.G.)

APPEAL UNDER SECTION 100 OF THE CODE OF CIVIL PROCEDURE, 1908.

P.R. No. 1202/06
Presented by Shri Neeraj Pant
26/9/06

XI-HC-78

(50)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...S.A.No.185/06... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	11.12.2006 Appellant by Shri Sunil Sahu, Advocate. Respondent by Shri Parag Kotecha, Advocate. Shri Sunil Sahu, learned counsel for the appellant seeks permission to withdraw this Second Appeal while submitting that he would give an undertaking before the Executing Court that he would vacate the premises within a period of 8 months from today and till then continue making payment of rent as usual, at the rate of Rs.625/- per month and shall also pay the arrears of rent, if any. Shri Parag Kotecha, learned counsel for the respondent/plaintiff does not oppose the withdrawal of the Second Appeal and submits that he will not proceed with the execution and would not claim damages at the rate of Rs.100/- per day, as awarded by the First Appellate Court and would receive rent at the rate of Rs.625/- per month for a period of 8 months and also receive the arrears of rent, if any. In view of the above contention of the counsel for the parties, the appellant is permitted to withdraw this Second Appeal. This Second Appeal is dismissed as withdrawn. Consequently, M.C.P.No. 712 of 2006 for stay of execution and I.A.No.3084 of 2006 for taking document on record also stand dismissed. Certified copy as per rules. **Sd/-** **Dilip Raosaheb Deshmukh** **Judge**	

Anjani Singh

P.T.O.